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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/704,507

11/07/2003

Mark Dennis Norton

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4072

54120

7590

03/25/2009

RESEARCH IN MOTION

ATTN: GLENDA WOLFE

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EXAMINER

CASCA, FRED A

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

03/25/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

portfolioprossecution@rim.com

Office Action Summary	Application No. 10/704,507	Applicant(s) NORTON ET AL.	
	Examiner FRED A. CASCA	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on July 17, 2008.

Claims 1-3, 5-14 and 16 are still pending in the present application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP TR 25.878 v5.1.0 (hereinafter 3GPP2002-06).

3GPP2002-06 discloses a method of processing a message received at a user equipment (UE), the UE configured for use in a UMTS, Universal Mobile Telecommunications system, communications system (page 7, par. 6.2.1), wherein the message includes a Ciphering Mode Info information element the message and is one of a plurality of message types comprising a Radio Bearer Setup message, a Radio Bearer Reconfiguration message, a Radio Bearer Release message, a Transport Channel Reconfiguration message, a Physical Channel Reconfiguration message, a Cell Update Confirm message, a URA, UTRAN Registration Area, Update Confirm message and a UTRAN, Universal Terrestrial Radio Access Network, Mobility Information message (page 16, par. 7.3.1, lines 5-9), the method comprising:

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determining whether a Ciphering Activation Time for DPCH, Dedicated Physical Channel, information element that identifies a ciphering activation time is present in the message

when radio bearers exist using radio link control (RLC) transparent mode (TM) (page 18 lines 37-39 and page 19, lines 1-13); and in the event that the Ciphering Activation Time for DPCH information element is not present (page 18 lines 37-39 and page 19, lines 1-13).

3GPP2002-06 does not specifically disclose returning a message indicating the absence of the information element.

However, 3GPP2002-06 discloses if the received reconfiguration message did not contain the IE "Ciphering activation time for DPCH" in IE "Ciphering mode info" ... include the IE "COUNT-C" activation time (page 19, lines 1-15).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above 3GPP2002-06 disclosure in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 2, 3GPP2002-06 discloses the method according to claim 1.

The 3GPP2002-06 does not specifically disclose wherein the step of returning a message indicating the absence of the Ciphering Activation Time for DPCH information element comprises returning a message including the value INVALID_CONFIGURATION.

However, 3GPP2002-06 discloses many available options when the received reconfiguration message did not contain the IE “Ciphering activation time for DPCH” in IE “Ciphering mode info” (page 19, lines 1-16).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to modify the disclosures of 3GPP2002-06 for the purpose of providing an efficient communication system.

Claim 3 is rejected for the same reasons as that of rejection of claim 2.

Claim 5 is rejected for the same reasons as that of rejection of claim 1.

Claim 6 is rejected for the same reasons as that of rejection of claim 2.

Claim 7 is rejected for the same reasons as that of rejection of claim 3.

Claim 8 is rejected for the same reasons as that of rejection of claim 2.

Referring to claim 9, 3GPP2002-06 discloses a method according to claim 5.

3GPP2002-06 does not specifically disclose wherein the step of selecting an activation time comprises selecting an activation time at the UE independently of the UTRAN and sending a response message including the selected activation time to the UTRAN.

However, 3GPP2002-06 discloses many available options when the received reconfiguration message did not contain the IE “Ciphering activation time for DPCH” in IE “Ciphering mode info” (page 19, lines 1-16), and further discloses setting the variable INVALID_CONFIGURATION (Page 20, lines 1-6).

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Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to modify the disclosures of 3GPP2002-06 for the purpose of providing an efficient communication system.

Claim 10 is rejected for the same reasons as that of rejection of claim 2.

Claim 11 is rejected for the same reasons as that of rejection of claim 3.

Claims 12-13 are rejected for the same reasons as that of rejection of claims 8-9.

Claim 14 is rejected for the same reasons as that of rejection of claim 1.

Claim 16 is rejected for the same reasons as that of rejection of claim 5.

Response to Arguments

4. After further search and consideration previously allowed claims 1-3, 5-14 and 16 have rejected in view of new grounds of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617